

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

UNITED STATES OF AMERICA

)

Case No.: 7:22-cr-00779-DCC-5

)

v.

)

MOTION FOR CONTINUANCE

)

LIONEL MARTIN ROSENADA

)

CABALLERO

)

Defendant Lionel Martin Rosenada Caballero moves the Court to continue this case to the next term of court.

Mr. Caballero made his initial appearance and was arraigned before the Court on December 13, 2022, and defense counsel was appointed at that time. (ECF Nos. 36, 43.) On December 14, 2022, a superseding indictment was filed against Mr. Caballero, and arraignment on that indictment is set for December 28, 2022. (ECF Nos. 62, 63.) On December 16, 2022, the Court set a Pretrial Conference/Change of Plea Hearing for January 4, 2023. (ECF No. 71.)

This case is in the nascent stages; a superseding indictment has been filed, on which Mr. Caballero will be arraigned next week. Defense counsel has already received a considerable amount of discovery, and could receive more after the December 28 indictment. Thus, Mr. Caballero and defense counsel require additional time to discuss the allegations, review discovery, and to consult with the United States Attorney regarding the pending charges.

Defense counsel avers that the granting of this continuance would not be prejudicial to either the government or Mr. Caballero and will be excludable under the provisions of 18 U.S.C. §3161(h)(7)(A). Specifically, the additional time requested is a reasonable period of delay given the nature of the request, which concerns actions necessary to Mr. Caballero's

defense, and the current status of the case. 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly, the ends of justice will best be served by a continuance and outweigh the best interests of the public and the defendant in a speedy trial, as set forth in 18 U.S.C. § 3161(h)(7)(A).

Defense counsel spoke with Mr. Caballero via telephone this morning, December 21, 2022, regarding this request for a continuance and advised him of his right to a speedy trial. Defense counsel also specifically advised Mr. Caballero that by requesting or consenting to this continuance, he waives his right to a speedy trial. Understanding this, Mr. Caballero makes this request for a continuance and waives his right to a speedy trial.

Defense counsel has consulted with Assistant United States Attorney Christopher Schoen, who consents to this Motion.

Respectfully submitted,

BY: s/Judea S. Davis

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